

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARIO L. DUNCAN,)	
)	Civil Action No. 05 - 1582
Plaintiff,)	
)	Judge Nora Barry Fischer /
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
JOSEPH A. NICKLEACH, <i>Prison Board</i> ;)	
SCOTT J. ANDREASSI, <i>Prison Board</i> ; MYRA)	
L. MILLER, <i>Prison Board</i> ; RICHARD L.)	
FINK, <i>Prison Board</i> ; JAMES V. SCAHILL,)	
<i>Prison Board</i> ; WILLIAM J. LAUGHNER, <i>CJM</i>)	
<i>Warden (Former)</i> ; DAVID HOGUE; LARRY)	
R. CRAWFORD, <i>Prison Board</i> ; PATRICIA L.)	
KIRKPATRICK, <i>Prison Board</i> ,)	
)	
Defendants.)	

ORDER

The above captioned case was initiated on November 16, 2005, by the filing of a Motion to Proceed In Forma Pauperis (Doc. No. 1) accompanied by a Complaint. It was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (Doc. No. 36), filed on February 19, 2008, recommended that Defendants' Motion for Summary Judgment (Doc. No. 28) be granted and that judgment be entered in their favor. The parties were advised they were allowed ten (10) days from the date of service to file written objections to the report and recommendation. Plaintiff filed a "Notice" (Doc. No. 37) with the Clerk of Court, in which he stated he had no objections. After review of the pleadings and documents in the case, together

with the report and recommendation as well as Plaintiff's notice to the Court, the following order is entered:

AND NOW, this 4th day of March, 2008;

IT IS HEREBY ORDERED that Defendants' Motion for Summary Judgement (Doc. No. 28) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 36) of Magistrate Judge Lenihan, dated February 19, 2008, is adopted as the opinion of the court.

Dated: March 4, 2008

By the Court:

Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Mario L. Duncan
2004 Short Street
Ford City, PA 16226

Counsel of record.